

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 3/24/2015	(3) CONTACT/PHONE Jay Johnson, Senior Planner/(805)781-4573 James Caruso, Senior Planner/(805)781-5702 Nick Forester, Planner III (805) 781-1163	
(4) SUBJECT Hearings to consider a request by the County of San Luis Obispo to: (1) amend the Land Use Ordinance (Title 22 of the County Code) and the Coastal Zone Land Use Ordinance (Title 23 of the County Code), to amend regulations for new mini-storage warehouse facilities in the Residential Multi-Family land use category; and: (2) amend Sections of Titles 21, 22 and 23 to comply with federal law requirements of the Federal Emergency Management Agency (FEMA); (3) amend portions of the Framework for Planning (Inland), Part I of the Land Use and Circulation Elements (LUCE), the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE, the Official Maps, Part IV of the LUCE, the Conservation and Open Space Element, Title 22 (the Land Use Ordinance), and the Rules of Procedure to Implement the California Land Conservation Act of 1965 in order to encourage the development of certain renewable energy projects through a Renewable Energy Streamlining Program (RESP). All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Hold the public hearings on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports. 2. Take final action on item heard today (LRP2014-0007 – RMF) and the items given tentative approval on March 10, 2015 (LRP2012-00012 – Flood Hazard and LRP2014-00015 – RESP) by adopting and instructing the Chairperson to sign the attached resolution and ordinances. 			
(6) FUNDING SOURCE(S) Current Budget and Grant Funds	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>60 minutes</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>March 10, 2015</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Jay Johnson, Senior Planner
James Caruso, Senior Planner / Nick Forester, Planner III

VIA: Trevor Keith, Division Manager/Policy and Programs Division

DATE: 3/24/2015

SUBJECT: Hearings to consider a request by the County of San Luis Obispo to: (1) amend the Land Use Ordinance (Title 22 of the County Code) and the Coastal Zone Land Use Ordinance (Title 23 of the County Code), to amend regulations for new mini-storage warehouse facilities in the Residential Multi-Family land use category; and: (2) amend Sections of Titles 21, 22 and 23 to comply with federal law requirements of the Federal Emergency Management Agency (FEMA); (3) amend portions of the Framework for Planning (Inland), Part I of the Land Use and Circulation Elements (LUCE), the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE, the Official Maps, Part IV of the LUCE, the Conservation and Open Space Element, Title 22 (the Land Use Ordinance), and the Rules of Procedure to Implement the California Land Conservation Act of 1965 in order to encourage the development of certain renewable energy projects through a Renewable Energy Streamlining Program (RESP). All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Hold the public hearings on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports.
2. Take final action on items heard today (LRP2014-0007 – RMF) and the items given tentative approval on March 10, 2015 (LRP2012-00012 – Flood Hazard and LRP2014-00015 – RESP) by adopting and instructing the Chairperson to sign the attached resolution and ordinances.

DISCUSSION

Recommendation 1

At today's meeting, your Board will hold public hearings on the following amendments recommended for approval by the Planning Commission and take final action through adoption of a resolution and ordinance.

Item 1. The Planning Commission is transmitting the record of its meeting of January 22, 2015 to your Board for the attached proposed amendments to Titles 22 and 23 of the County Code as follows:

A request by the **COUNTY OF SAN LUIS OBISPO** to amend the Land Use Ordinance (Title 22 of the County Code) and the Coastal Zone Land Use Ordinance (Title 23 of the County Code), to amend regulations for new mini-storage warehouse facilities in the

Residential Multi-Family (RMF) land use category.

County File Number: **LRP2014-00007**

Assessor Parcel Number: Countywide

Supervisory District: All Districts

Date Accepted: N/A

The Planning Commission considered the above amendment and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Eric Meyer, seconded by Commissioner Topping and carried unanimously, recommending to the Board of Supervisors approval of the amendment as shown in Exhibits LRP2014-00007:B and LRP2014-00007:C based on Findings in Exhibit LRP2014-00007:A.

Background

The County's Housing Element is required to be updated every five years. It was recently updated in June 2014. The Housing Element contains several programs to implement the County's housing policies. The previous version of the Housing Element (2009-2014) contained *Program HE1.G – Revise Residential Development Standards*, which stated:

"Revise development standards for multi-family housing (including multi-family housing built at densities of 20-38 units/acre) and single family housing to encourage construction of well-designed communities. This program would include the prohibition of mini-storage in the Residential Multi-Family land use category."

[This program also contained several other potential revisions to multi-family development standards that are not part of this application.]

According to Program HE1.G:

"The primary purpose for revising multi-family standards is to reduce constraints to high density housing, with emphasis on locations where residents can use alternatives to private automobiles."

The key reason to remove mini-storage warehouse facilities as an allowable use in RMF categories is to lessen the competition for land zoned Residential Multi-Family and maximize the opportunity to develop housing in these areas. This is particularly important in areas in close proximity to shopping, services and transit. In Los Osos, for example, several mini-storage facilities have been developed on sites in the Residential Multi-family category, precluding the opportunity to develop multi-family housing in those areas.

Previous Planning Commission and Board of Supervisors Discussions

During the 2014 Update of the County's Housing Element, the Planning Commission, on May 22, 2014, discussed this potential amendment and recommended to the Board of Supervisors the updated Housing Element that contained a revised version of the program to delete mini-storage warehouse facilities in the RMF category (HE1.G). The revised program deleted the reference to mini-storage facilities in anticipation of this amendment occurring. Then on June 17, 2014, the Board of Supervisors also discussed this potential amendment during their hearing on the Housing Element update, and subsequently adopted the 2014-2019 Housing Element without the language about mini-storage facilities in anticipation of this amendment occurring.

Community Advisory Group Comments

The project was referred to all of the applicable Community Advisory Councils where Residential Multi-Family zoning is located in their advisory area. The only responses came from the Templeton Area Advisory Group who, on November 20, 2014, voted 6-1 in support of the approval of LRP2014-00007, and the North Coast Advisory Council who, on November 19, 2014, voted unanimously in favor of the amendment.

Planning Commission Hearing

Staff's recommendation to the Planning Commission, based on the Housing Element program, was to remove mini-storage facilities as an allowable use in the RMF category altogether. After consideration of public testimony, the Commission determined it appropriate to modify staff's recommendation and make provision to allow mini-storage facilities as an allowable use in the RMF category under certain circumstances, provided the Review Authority could make special findings for the approval. The special findings recommended by the Planning Commission are contained in Exhibits LRP2014-00007:B and LRP2014-00007:C.

The Planning Commission's recommendation does not affect proposals for mini-storage warehouse facilities in other land use categories, as they will remain allowable in the Commercial Service, Industrial and Public Facilities land use categories, and they may also be included as an accessory feature to residential multi-family projects.

Item 2. On March 10, 2015, your Board held a public hearing on the following item took a tentative action to approve the item and continued the matter to today's hearing. The attached proposed amendments to the Title 21, Title 22, and Title 23 of the County Code are as follows:

A request by the **COUNTY OF SAN LUIS OBISPO** to amend sections of Titles 21, 22 and 23 to comply with federal law requirements of the Federal Emergency Management Agency (FEMA).

County File Number: **LRP2012-00002**
Assessor Parcel Numbers: Countywide
Supervisory Districts: All
Date Authorized for Processing: October 16, 2012

Board Hearing

Your Board conducted a public hearing for the Flood Hazard designation amendments on March 10, 2015. At the conclusion of the hearing, your Board took a tentative action to approve the Flood Hazard designation amendments and continued the hearing to this date in order to take final action.

Item 3. On March 10, 2015, your Board held a public hearing on the following item took a tentative action to approve the item and continued the matter to today's hearing. The attached proposed amendments to the General Plan, Title 22 of the County Code and Rules of Procedure to Implement the California Land Conservation Act of 1965 are as follows:

A request by the **COUNTY OF SAN LUIS OBISPO** to amend portions of the following documents in order to encourage the development of certain renewable energy projects in the most suitable locations in unincorporated inland areas of the county through a Renewable Energy Streamlining Program (RESP): 1) Framework for Planning (Inland), Part I of the Land Use and Circulation Elements (LUCE) of the County General Plan; 2) the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; 3) the Official Maps, Part IV of the LUCE; 4) the Conservation and Open Space Element of the County General Plan; 5) the Land Use Ordinance, Title 22 of the County Code; and 6) the Rules of Procedure to Implement the California Land Conservation Act of 1965. The proposed amendments would: 1) establish a Renewable Energy combining designation where the land use permitting of certain renewable energy projects is streamlined, for example, through the use of Site Plan Review instead of Minor Use Permits; 2) establish new performance standards that renewable energy projects must meet; and 3) revise the Rules of Procedure to Implement the Land Conservation Act of 1965 to allow certain renewable energy projects on contracted land. The Environmental Coordinator found that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of

Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gases and Climate Change, Hazards and Hazardous Materials, Land Use and Planning, Noise and Water Resources. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with Aesthetics, Agricultural Resources and Land Use and Planning.

County File Number: **LRP2014-00015**
Assessor Parcel Numbers: Countywide
Supervisory Districts: All
Date Authorized for Processing: July 9, 2013

Board Hearing

Your Board conducted a public hearing for the RESP on March 10, 2015. At the conclusion of the hearing, your Board took a tentative action to approve the RESP and continued the hearing to this date in order to take final action. Two minor changes are proposed to the findings and ordinance revisions. A section reference on page 17 of 84 of the CEQA findings should read **22.32.040.D.4** instead of 22.32.040.C.4.

Section 22.14.100.B.3 is recommended to be revised to state: "When a proposed SEF ~~does not~~ meet any of the following criteria..." This revision clarifies when an SEF can qualify for streamlining.

Recommendation 2

In order to take final action to approve all amendments previously given tentative approval on March 10, 2015 and today, your Board will need to adopt the attached resolution and ordinances.

OTHER AGENCY INVOLVEMENT/IMPACT

The amendments were referred to all applicable responsible agencies and was reviewed and recommended for approval by the Planning Commission.

In addition, County Counsel reviewed the resolution and ordinances as to form and content.

FINANCIAL CONSIDERATIONS

The amendments to the allowable uses in the Residential Multi-Family land use category are being processed using funds within the Planning and Building Department budget. The RESP amendments are being processed through grant funds.

RESULTS

Final approval of the request will allow the amendments affecting inland portions of the County to become effective 30 days after the date of final action, which is set for March 24, 2015 making the effective date April 24, 2015.

Final approval of the amendments affecting coastal portions of the County will allow these amendments to be transmitted to the Coastal Commission for review and approval. The effective date of these amendments will be 30 days from the date of Coastal Commission approval.

Approving these amendments is consistent with the County goals of a safe, healthy, livable and prosperous community.

ATTACHMENTS

Recommendation 1: RMF Amendments

- Attachment A - Planning Commission Memo with Findings and Attachments
- Attachment B - Planning Commission Minutes from the January 22, 2015 Meeting
- Attachment C - Staff Report for the January 22, 2015 Planning Commission Meeting
- Attachment D - Ordinance Amending Title 22 of the San Luis Obispo County Code (shows changes)
- Attachment E - Ordinance Amending Title 23 of the San Luis Obispo County Code (shows changes)

Recommendation 2 – Final adoption of all tentatively approved items

- Attachment 1 – Board Resolution
- Exhibit A – Ordinance for Adoption

Flood Hazard Amendments

- Attachment 1a - Exhibit LRP2012-00002:B - Ordinance Amending Title 21 of the County Code (Flood Hazard)
- Attachment 1b – Exhibit LRP2012-00002:C – Ordinance Amending Title 22 of the County Code (Flood Hazard)
- Attachment 1c – Exhibit LRP2012-00002:D – Ordinance Amending Title 23 of the County Code (Flood Hazard)

RMF Amendments

- Attachment 1d – Exhibit LRP2014-00007:B – Ordinance Amending Title 22 of the County Code
- Attachment 1e – Exhibit LRP2014-00007:C – Ordinance Amending Title 23 of the County Code

RESP Amendments

- Attachment 1f – Exhibit LRP2014-00015:A - CEQA Findings
- Attachment 1g – Exhibit LRP2014-00015:B - Findings
- Attachment 1h – Exhibit LRP2014-00015:C Amendments to the Land Use and Circulation Elements and the Conservation and Open Space Element of the County General Plan
- Attachment 1i – Exhibit LRP2014-00015:D Ordinance Amending the Land Use Ordinance, Title 22 of the County Code
- Attachment 1j – Exhibit LRP2014-00015:E Amendments to the Rules of Procedure to Implement the Land Conservation Act of 1965